IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 11157 of 1998

Between:

Dr. N.Muralidhar S/o N.Venkaiah
R/o H.No. 1-80 , Thripura Clinic ,
Narsapur , Medak District.

... PETITIONER

AND

1 The Superintendent of Police,
Sangareddy , Medak District.
2 The Station House Officer,
Kowdupalli Police Station , Medak Dist.
3 The District Medical & Health Officer,
Sangareddy , Medak.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or Direction more in the nature of Mandamus declaring that the petitioner is entitled to continue his practice as Medical Practitioner in Ayurvedic and Unani at Narsapur, Medak District by holding the action of 1st and 2nd respondents in interfering and preventing the petitioner from practising as Medical Practitioner without any due process of law is as illegal, arbitrary, discriminatory and violative of Art. 19(1)(g) of the Constitution of India and grant.

Counsel for the Petitioner: MR.CH.JAGANNADHA RAO

Counsel for the Respondents: GP FOR HOME

The Court made the following:

ORDER:

This writ petition is filed seeking Mandamus declaring that the petitioner is entitled to continue his practice as Medical Practitioner in Ayurvedic and Unani at Narsapur, Medak District, by holding the action of the 1st and 2nd respondents in interfering and preventing the petitioner from practicing as Medical Practitioner without any due process of law, as arbitrary and discriminatory.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Home, appearing for the respondents.

3. Petitioner, claiming to have passed Ayurveda Rathna from Hindi Sahitya Sammelan, Prayag, Allahabad, states that he is a registered member of the State Council of Ayurvedic and Unani Systems of Bihar. It is his case that he is eligible and qualified for practicing as Medical Practitioner and so he is running a clinic under the name of 'Thripura Clinic' at Hanumanwadi, Narsapur, Medak District, serving the needs of the people of that locality. It is stated that one Mr. K. Mohan Rao, filed a complaint on 26-09-1996 to the third respondent against the R.M.P. doctors of Narsapur village, who are said to be practicing on fake certificates, who in turn requested the Medical Officer, Primary Health Center, Shivampet to conduct enquiry into the allegations against the R.M.P. doctors. Accordingly, the Medical Officer submitted enquiry report on 30-11-1996 after conducting enquiry, as per which the third respondent, by proceedings Rc.No.6994/P.S./96, dated
09-01-1997, informed the first respondent stating that the petitioner is practicing with Allopathic and Ayurvedic medicines and has requisite qualification to do so. It is alleged that respondents 1 and 2, with the connivance of some third party, are interfering with the profession of the petitioner, which is the main grievance of the petitioner in the present writ petition.

4. Respondents filed counter affidavit stating that the petitioner is practicing as Allopathic Medical Practitioner in the village against the rules of the Indian Medical Association and the villagers, who are facing lot of trouble with the petitioner's treatment, have filed a complaint against him, acting upon which, the Police, Narsapur registered a case in Crime No.33/98 under Section 420 of the Indian Penal Code against the quack doctors of Narsapur, in which the petitioner is figured as one of the accused. Thereafter the police, who conducted a Panchanama on 10-08-1998 at the petitioner's clinic, found that the petitioner, without requisite qualification and valid certificate, is using allopathic medicines and injections on the villagers. It is stated that the Department of Health, Medical & Family Welfare Department vide their D.O.Note Misc/R2/96, dated 29-10-1996 requested the Home Department to take necessary action against the RMP s and PMP s, who are exploiting the people in Narsapur. It is mainly contended that when the petitioner was found using allopathic medicines, without requisite qualification and valid certificate to do so, which is supported by a Panchanama, he cannot complain that the action of the respondents is arbitrary and illegal.

5. Basing on the complaint given by the villagers of Narsapur, Medak District that the petitioner is practicing with allopathic medicines without requisite qualification and valid certificate, respondent authorities registered a crime against the petitioner and conducted a Panchanama on 10-08-1998, in which it was found that the petitioner was using Allopathic Medicines on the patients without requisite qualification and valid certificate. Petitioner, without having valid certificate and requisite qualification to practice with Allopathic medicines cannot complain that the respondents are illegally interfering with his profession. Except making a bald allegation that respondents are interfering with his profession, petitioner has not filed a scrap of paper evidencing that he, in fact, has eligibility and requisite qualification to practice with Allopathic medicines. When it is clearly established that petitioner does not have requisite qualification to practice with allopathic medicines, he cannot plead discrimination.

The writ petition is bereft of merit and is accordingly dismissed. No order as to

costs.

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N.V. RAMANA, J

March 14, 2005

MRR

Copy to:

1 The Superintendent of Police, Sangareddy, Medak District.

2 The Station House Officer,
Kowdupalli Police Station , Medak Dist.

3 The District Medical & Health Officer, Sangareddy , Medak.

4. 2 CCs to G.P. for Home, High Court Buildings, Hyderabad. (OUT)

5 2 CD copies

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